

FILED

10/02/2024

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 24-0575



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 24-0575

FILED

OCT - 2 2024

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

BILL B. BOKMA,

Petitioner,

v.

ORDER

BOB OLSEN, PROGRAM ADMINISTRATOR,  
S.T.A.R.T.,

Respondent.

Bill B. Bokma has filed a Petition for Writ of Habeas Corpus, requesting additional credit for jail time and elapsed time. He specifically questions why the Cascade County District Court did not give any explanation for additional elapsed time credit while on supervision and until the February 7, 2023 Report of Violation.

This Court secured copies of Bokma's sentencing judgments. In open court on October 14, 2021, the Cascade County District Court sentenced Bokma to the DOC for a suspended, three-year term "on the condition that the Defendant enter and successfully complete the Eighth Judicial District Adult Drug Treatment Court program." It appears that the District Court sentenced Bokma, pursuant to § 61-8-741, MCA (2019), which allows suspension of a sentence on the contingency of DUI treatment court completion. The Montana Legislature repealed this statute in 2021. 2021 Mont. Laws ch. 498, § 44. On July 19, 2023, the District Court held an evidentiary hearing where it revoked Bokma's suspended sentence and deemed Bokma's failure to complete adult drug treatment court as a non-compliance violation, which does not appear to comport with the definitions found in §§ 46-18-203(10)(b), and 46-23-1001(3), MCA (2021 and 2023).

Upon review, this Court has three issues that arise with Bokma's sentence upon revocation, his request for relief, and the interplay of Montana statutes. First, was Bokma

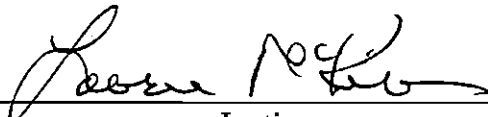
originally sentenced under § 61-8-741, MCA? Second, how does the repeal of this statute affect elapsed time credit? Lastly, is Bokma entitled to the application of the Montana Incentives and Interventions Grid (MIIG) prior to revocation? *See* §46-23-1015, MCA.

We deem it appropriate to require a response to his Petition as well as the issues that the Court raises. Therefore,

IT IS ORDERED that that the Attorney General or counsel for the Department of Correction is GRANTED thirty days from the date of this Order in which to prepare, file, and serve a written response together with appropriate documentary exhibits.

The Clerk is directed to provide a copy of this Order to counsel of record and to Bill B. Bokma personally.

DATED this 2<sup>nd</sup> day of October, 2024.

  
Justice